XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

27

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Cr. M.P. No.274/2007

PETITIONER
Non-applicant

Anand das, S/o Latel Das, aged about 25 years, Caste-Satnami, Occupation-Agriculturist, R/o Village Harinchhapra, Police Station & Tahsil Kawardha, Distt. Kabirdham (C.G.)

Vs

RESPONDENTS

1. Bhagwati Bai, W/o Anand Das, aged about 22 years, Caste-Satnami, R/o Village Harinchhapra, Police Station & Tahsil Kawardha, Distt. Kabirdham (C.G.) Presently R/o Village Boda, Police Station & Tahsil Mungeli, Distt. Bilaspur (C.G.)
2. State of Chhattisgarh, Through;- Collector, Kawardha, Distt. Kabirdham.

Present:
Mr. Ajit Singh, Adv. for the petitioner.

ORAL ORDER
(22nd August, 2007)

Per Dhirendra Mishra, J:

The petitioner-husband by this petition under Section 482 of the Cr.P.C. has impugned the order dated 14.06.07 of Annexure P-2 passed by learned Sessions Judge, Kawardha (Kabirdham) in Criminal Revision No.11/07 whereby the revision preferred by the petitioner against the order dated 26.3.2007 passed by learned Judicial Magistrate First Class, Kawardha in Misc. Criminal Case No.63/06 has been rejected and the order of maintenance passed in favour of

(28)

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

respondent No.1 herein @ Rs.1500/- per month from the date of order has been confirmed.

The ground taken by the petitioner in the instant petition is that both the courts below have ignored the fact that only after four months of the marriage the respondent wife started residing separately on her own free will and that the petitioner herein was ready and willing to keep the respondent No.1-wife with him.

I have heard learned counsel for the petitioner and perused the record.

Both the courts below on the basis of evidence available on the record held that the petitioner used to harass respondent No.1 in the name of demand of dowry and further that the petitioner herein has contracted second marriage and is living with his second wife, which justifies the separate living of respondent No.1 herein.

The above findings is a concurrent finding of fact recorded by both the courts below and the learned counsel for the petitioner has not been able to cite any illegality or infirmity in the impugned order which calls for interference by this Court in exercise of jurisdiction under Section 482 of Cr.P.C.

In the result, the petition being devoid of substance is liable to be dismissed and it is hereby dismissed.

Sd/-
Dhirendra Mishra
Judge

GRPRJ — FS/246 - 2/2007 — 50,000.